



COTTONWOOD HEIGHTS

PLANNING COMMISSION STAFF REPORT

FEBRUARY 06, 2008



COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a scheduled meeting at **7:00 p.m. on Wednesday, February 06, 2008** in the Cottonwood Heights City Council Room, 1265 East Fort Union Blvd., Suite 300, Cottonwood Heights, Utah

5:45 p.m. Work Session (Suite 250)

7:00 p.m. Regular Meeting (Suite 300)

1. Public Comment

This agenda item is for public comments on items not on the regular agenda and for informational purposes only. No formal action will be taken during this portion of the meeting.

2. Continued Action Item – Amendment to Title 12.20.060 (j) Flag Lots Permitted – Wentworth Development

This item was continued from the January 9, 2008 meeting. The Planning Commission will take action on a request by Wentworth Development to amend the maximum length of a private lane accessing a flag lot from 100 feet to 150 feet within the City. Additional changes to title 12.20.060 are being proposed by staff with this request.

3. Consent Calendar – Conditional Use Permit – Short Term Rentals

The Planning Commission will receive public comment and take action on request for conditional use permits for short-term rentals located at the addresses listed below.

- 3556 East Rustic Spring Lane
- 3571 East Lost Spring Lane
- 3581 East Rustic Spring Lane
- 3569 East Wasatch Hills Lane
- 8162 South Clover Spring Lane
- 8318 South Valiant Drive
- 8191 South Wasatch Grove Lane
- 8204 South Wasatch Grove Lane
- 8205 South Wasatch Grove Lane

4. Approval of Minutes

January 09, 2008

January 16, 2008

5. Adjournment

On Friday, January 11, 2008 at 11:00 a.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Office of the City Recorder. A copy was also faxed or e-mailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city website at www.cottonwoodheights.utah.gov

Sherry McConkey, Planning Coordinator



Item 2: Cottonwood Cottages Flag Lot Text Amendment (Addendum)

File Name:	Cottonwood Cottages Flag Lot Text Amendment
Application Received:	December 21, 2007
Meeting Date:	February 6, 2008
Public Hearing Date:	January 9, 2008
Request:	Amendment of the Flag Lot Subdivision Ordinance
Owner/Applicant:	Wentworth Development
Agent:	Nate Fotheringham
Staff:	Glenn Symes, Associate Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any ordinance text amendment application. This report provides preliminary information regarding the requested text amendment. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Subdivision Flag Lot Ordinance (12.20.060), and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant has submitted a request for an amendment to the Cottonwood Heights subdivision ordinance regulating the creation and requirements of flag lots. Specifically, the applicant is requesting an amendment to the maximum length of a flag lot stem, or the portion extending from the flag lot to the public street, allowed when a flag lot subdivision is created.

Staff Observations and Position on the Request

Staff has made the following observations:

Minimum 1/2 Development Area Requirement

At the request of the commission, further research was performed with regard to minimum lot sizes and minimum development area as they relate to flag lots. Specifically, a request was made to investigate a requirement of one-half acre minimums for total development area. Staff has looked at other city's ordinances and has calculated the requirements

needed to meet a proposed one-half acre minimum development area. These findings are included in this report.

In investigating minimum lot sizes, staff has found that none of the city ordinances reviewed required an overall minimum lot size. Many require minimums for the flag lot itself and all require conformance to underlying zoning requirements for the front or original lot. Salt Lake City's flag lot ordinance requires a minimum lot depth and a requirement of 150% of the underlying zoning requirement for the flag lot portion. This ordinance did not include an overall development area minimum. Murray likewise does not require a minimum development area. West Jordan requires that the flag lot be no smaller than one-half acre but requires the front lot meet zoning standards. Salt Lake County allows flag lots on lots smaller than one-half acre but requires that the flag lot portion be at least 150% of the minimum lot size for the underlying zoning. Lots larger than one-half acre require only 100% of the minimum lot size for both the original and flag lots. Sandy City requires that the flag lot be at least as large or larger than the minimum for the underlying zoning but does not stipulate an overall area requirement. Draper City requires that a flag lot be no smaller than 15,000 square feet or the minimum lot size if larger than 15,000 square feet.

It may be difficult to impose a minimum development area for flag lot creation for several reasons. First, the minimum lot size for the zones in Cottonwood Heights varies greatly. Zones with smaller lot size requirements may present difficulty with available area. Other zones already meet or exceed a standardized minimum area like one-half acre. Below is a table illustrating required area and total area in relation to one-half acre for each of the low-density residential zones. This chart uses the proposed stem dimensions included in this staff report.

Zone	<u>Min Lot Size</u>	<u>Flag Lot Size (125%)</u>	<u>Stem* (24'x150')</u>	<u>Total Area Req'd</u>	<u>Acreage</u>	<u>1/2 Acre Difference</u>
R-1-6	6,000	7,500	3,600	17,100	0.39	-4,680
R-1-8	8,000	10,000	3,600	21,600	0.50	-180
R-2-8	8,000	10,000	3,600	21,600	0.50	-180
R-1-10	10,000	12,500	3,600	26,100	0.60	4,320
R-1-15	15,000	18,750	3,600	37,350	0.86	15,570

As shown in the chart, all of the low-density residential zones with the exception of the R-1-6 zone nearly meet or exceed one-half acre. The R-1-6 zone would be the most impacted as the one-half acre requirement would require an additional 4,680 square feet. If this were attached to the flag lot, the flag lot would be over twice the size of a standard lot in this zone. To address how this may impact actual lots in the city, there are two general areas zoned as R-1-6. One is the Nutree neighborhood at approximately 3200 East between Fort Union Blvd. and Bywater Park. The other area is the Oakledge neighborhood to the west of Brighton Point shopping area. With the structure of the flag lot ordinance and the proposed changes, only a hand-full of lots may be large enough to subdivide. Development, of course, would still depend on site planning and all other requirements of the subdivision ordinance, zoning ordinance and the flag lot ordinance. A one-half acre minimum restriction for development area may prevent flag lot development in the R-1-6 zone entirely.

Another reason it may pose difficulty to require an overall minimum lot size is that there is little connection in the low-density residential zones to a standard size such as one-half acre. There may not be a natural connection or a reason to place an overall development area requirement unless the 125% requirement is not sufficient to meet the intent of the flag lot

ordinance. Staff believes that the flag lot ordinance in its current form and basic structure addresses the intent of the flag lot ordinance.

Previous Staff Report January 9, 2008 Amended

Staff's recommendations with regard to the changes proposed to the flag lot ordinance remain as they were stated with the January 9, 2008 Amended staff report. This staff report and its accompanying recommendation and the ordinance with proposed changes are included with this report.

Recommendation

Based upon the staff observations, staff is recommending approval of a request for a text amendment to section 12.20.060 J changing the maximum length of a flag lot stem from 100 feet to 150 feet in the R-1 and R-2 zones. Staff is proposing several other changes to the flag lot ordinance in conjunction with the requested text amendment.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Subdivisions – Flag Lots Permitted: Chapter 12.20.060

Highways, Sidewalks and Public Places – Private Roadways: Chapter 14.12.130

Cottonwood Heights General Plan Land Use Map

Staff Contact:

Glenn Symes Associate Planner

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List of Attachments:

- Section 12.20.060 Flag Lots Permitted with Proposed Changes
- January 9, 2008 Amended Staff Report
 - 1. Applicant's Statement and Exhibits
 - 2. Approved Unified Fire Turnaround Designs
 - 3. Section 12.20.060 Flag Lots Permitted

12.20.060 Flag lots permitted.

A flag lot may be approved by the planning commission upon its finding that, due to topographic conditions, sensitive land concerns, or other requirements of this title, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone, subject to compliance with all of the following conditions:

A. Flag lots may only be created from existing legal lots. Only one flag lot may be subdivided from an existing legal lot.

B. The flag lot shall be used exclusively for a single-family residential dwelling and shall be located to the rear of the original (front) lot.

C. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located (including the enhanced lot area requirement described in subsection G of this section), and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.

D. The original (front) lot (i.e.—the lot which remains from the original parcel after the creation of the flag lot and the private land accessing the flag lot) shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located, and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the minimum required area of the front or original lot. Lots where the maximum stem length prevents the creation of a conforming front lot by using the minimum lot width are required to increase the lot width to a width that allows the creation of a lot consistent with the required minimum square footage of the underlying zone.

E. Maximum height. The maximum height of any structure on a flag lot shall be 26 feet.

F. The setbacks for ~~the~~ flag lots in the R-1 and R-2 zones shall be as follows:

1. Front: 20 feet.
2. Sides: no less than 20 feet on each side.
3. Rear: 20 feet.

G. The setbacks for flag lots in the RR and F zones shall be as follows:

1. Front: 30feet
2. Sides: no less than 30 feet on each side
3. Rear: 30 feet

~~G~~H. The minimum lot area of a flag lot, exclusive of the private access lane, shall be one hundred twenty five percent (125%) of the minimum lot area required in the underlying zone.

HI. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement for ingress and egress, benefiting the flag lot, over and across the original (front) lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.

IJ. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common private lane.

JK. The private lane accessing a flag lot shall include a paved driveway that is at least ~~twelve-twenty~~ feet ~~(12')~~ (20') wide and a landscaped buffer that is at least five feet (5') wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. The private lane shall front on a dedicated public street, and may not exceed one hundred ~~fifty~~ feet ~~(100')~~ (150') in length for all R-1 and R-2 zones. For the RR and F residential zones, the private lane may not exceed three hundred (300') feet in length. The private lane also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city. Approval of the private lane by the city's fire official may include the requirement of a designated turnaround area that would be subject to the design standards adopted by Unified Fire Authority. Structural permeable surfaces are encouraged in designated fire turnaround areas and are subject to design standards adopted by Unified Fire Authority.

KL. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.



Item 3: Cottonwood Cottages Flag Lot Text Amendment (Amended)

File Name:	Cottonwood Cottages Flag Lot Text Amendment
Application Received:	December 21, 2007
Meeting Date:	January 9, 2008
Public Hearing Date:	January 9, 2008
Request:	Amendment of the Flag Lot Subdivision Ordinance
Owner/Applicant:	Wentworth Development
Agent:	Nate Fotheringham
Staff:	Glenn Symes, Associate Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any ordinance text amendment application. This report provides preliminary information regarding the requested text amendment. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Subdivision Flag Lot Ordinance (12.20.060), and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant has submitted a request for an amendment to the Cottonwood Heights subdivision ordinance regulating the creation and requirements of flag lots. Specifically, the applicant is requesting an amendment to the maximum length of a flag lot stem, or the portion extending from the flag lot to the public street, allowed when a flag lot subdivision is created.

Staff Observations and Position on the Request

Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, has shown reasonable diligence in processing the application.

Requested Text Amendment

The applicant originally submitted a request to amend the maximum length allowed for a flag lot stem from 100 feet to 200 feet. After discussions with staff, the applicant amended the application to request a change to 150 feet rather than 200 feet.

The Cottonwood Heights subdivision ordinance, section 12.20.060 Flag Lots Permitted, allows a flag lot stem to reach a maximum length of 100 feet. The applicants, in researching and designing a specific property, feel that a longer stem length is more appropriate and would better suit the needs of the property. In doing so, the applicants feel the change would help to develop the property to a fuller extent.

Additional Requirements for Requested Change

Staff has researched other city's ordinances and has spoken with the City's fire official with regard to additional requirements that would be necessary if the proposed change were made. In addition to the change to the maximum allowed stem length to 150 feet, a change to the stem width and the requirement of a turn-around area approved by the fire official are changes that need to be incorporated into the ordinance with this request.

The most significant requirement for emergency service access is with regard to the overall length of the access. Unified Fire Authority (UFA) requires that any emergency access longer than 150 feet have an approved turnaround. The proposal at 150 feet would mandate a fire turnaround on all flag lots stems longer than 150 feet. An approved fire turnaround can take several shapes but is required to be at least 70 feet in width from back of curb to back of curb if a "modified" hammerhead shape is used. A width of at least 20 feet and possibly 25 feet would be required for emergency access for proper maneuverability of fire apparatus. The area required for the increased width and length would not be included in the lot area calculation for either the original lot or the flag lot as outlined in section 12.20.060.

Nature of Flag Lots in Cottonwood Heights

The nature and purpose of a flag lot in Cottonwood Heights is not necessarily designed to be a standard subdivision option. Section 12.20.060 of the subdivision ordinance states that a flag lot may be approved in cases that, due to topographic or sensitive lands concerns, or other requirements of this title a street should not or cannot be extended to buildable areas. Staff feels that this description limits flag lots to lots which are unique in their nature or layout. Because, as the standard of approval states, these lots either should not or cannot have streets extending to buildable areas, the flag lot option should be limited in its applicability and should not be a standard option for subdividing lots.

Staff feels that the original request for an increase to 200 feet maximum length may have been excessive for a low density residential area. An increase from the 100 feet is a change that has been discussed by the planning commission and staff since the adoption of the original flag lot ordinance. In discussing possible changes with the applicant, other staff members and the city's fire official, a length of 150 feet was proposed.

Reasoning for Staff Recommendation

The flag lot ordinance adopted by Cottonwood Heights limits the length of a flag lot stem to 100 feet. A change as proposed would require a change to several other sections of the flag lot ordinance. An increase to the maximum length of the flag lot stem may be necessary for the proper creation of flag lots for the most common minimum lot sizes in the City. The change, however, should be a change that retains the nature and character of the flag lot and the surrounding neighborhood. Staff is proposing several changes to the ordinance in

conjunction with the applicant to address some of the potential issues with the increase in stem length.

Since there are a variety of minimum lot sizes and lot widths in the different zones of the City, a single change to the flag lot stem length may not be appropriate for all zones. Staff feels that creating a standard maximum stem length for the R-1 and R-2 zones of 150 feet will help protect the nature and intent of flag lots by increasing the stem length to allow proper lot creation in these zones without excessive driveway length and a further increase to the impermeable surface in the low density residential areas. Staff is proposing a maximum stem length of 300 feet for all other residential zones. This includes the rural residential zones and the forestry zones. All of these zones require a minimum lot size of at least one half acre. A maximum stem length of 150 feet would prevent the creation of conforming lots in the rural residential and forestry zones if the minimum lot width were to be used. Most of these zones require a minimum of 80 to 100 feet in width. A maximum stem length of 300 feet would allow for the proper creation of lots with the maximum stem length and minimum lot width.

The flag lot stem lengths staff is proposing will not cover all situations in which an applicant proposes a flag lot using maximum stem length and minimum lot width. For the R-1-15 zone, a maximum lot size using a depth of 150 feet and a width of 80 feet (minimum width for this zone) would create a lot that is 12,000 square feet. This is 3,000 square feet short of the required 15,000 square feet. Similarly, the RR-1-43 zone requires a minimum lot size of one acre. As the ordinance is proposed, the largest lot that could be created using maximum stem length and minimum lot width is 30,000 square feet. This creates a lot 13,560 square feet smaller than the required one acre. To address this issue, staff has proposed a statement in the ordinance revision that requires lots to be wider than the minimum listed in the zoning ordinance if the minimum width and the maximum flag lot stem length will not create a conforming lot.

There are only two areas of the City with the R-1-15 zoning designation so flag lot subdivision opportunities in the R-1-15 zone are limited. There are more areas of the City zoned as RR-1-43 than R-1-15 so there may be more development opportunities in this zone. However, staff feels that other ordinances may cover a gap in the flag lot ordinance with regard to lot size requirement that may be encountered in this zone. Section 14.12.130 "Private roadways" allows a private road to be used to access subdivided property if all lots included in the subdivision are at least one half acre. Since the minimum lot size in the RR-1-43 zone is larger than one-half acre, this section may be used to subdivide property rather than the flag lot ordinance if it is more appropriate.

Recommendation

Based upon the staff observations, staff is recommending approval of a request for a text amendment to section 12.20.060 J changing the maximum length of a flag lot stem from 100 feet to 150 feet in the R-1 and R-2 zones. Staff is proposing several other changes to the flag lot ordinance in conjunction with the requested text amendment.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Subdivisions – Flag Lots Permitted: Chapter 12.20.060

Highways, Sidewalks and Public Places – Private Roadways: Chapter 14.12.130
Cottonwood Heights General Plan Land Use Map

Staff Contact:

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List of Attachments:

1. Applicant's Statement and Exhibits
2. Approved Unified Fire Authority Turnaround Designs
3. Section 12.20.060 Flag Lots Permitted

COTTONWOOD HEIGHTS

Request to change Code of Ordinances

Paragraph "J" of section 12.20.060 ("Flag Lots Permitted") of the Code of Ordinances (**EXHIBIT A**) of Cottonwood Heights currently reads:

The Private lane accessing a flag lot shall include a paved driveway that is at least twelve (12') wide and the landscaped buffer that is at least five feet (5') wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. The private lane shall front on a dedicated public street, and may not exceed one hundred feet (100') in length. The private lane also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city.

We propose amending the highlighted section from one hundred feet (100') in length to two hundred feet (200') in length based on the following:

one hundred fifty. 150 ft

- I. Surrounding municipalities allow private driveways for flag lots of 150, 220, 500 feet or longer
 - a. Per the attached (**EXHIBIT B**) Sandy City code (Chapter 15-06 section W: "Flag Lots" item #2) "the maximum length (of the private driveway for a flag lot) shall be 220 feet unless otherwise approved by the Planning Commission and Fire Department.
 - b. Per the attached (**EXHIBIT C**) Salt Lake County code (Procedures and Standards For the Establishment and Development of Flag Lots (section 5c) private driveways for flag lots less than 150 feet must be no less than 20 feet in width and driveways longer than 150 feet must be no less than 25 feet wide except where a lesser width is authorized by the County traffic engineer and fire official.
 - c. Holladay City allows private driveways (flag lots) without limitation subject to unified authority code. 150 feet or longer subject to approval from the unified fire authority.
 - d. Per the attached (**EXHIBIT D**) Draper City code (Section 9-27-090 section b item number 2) "the maximum length of the staff (distance from a public street to the front property line of the flag lot) shall be five-hundred (500) feet."
- II. Improving the ordinance to 200 feet provides opportunity to develop several parcels within Cottonwood Heights currently burdened with dilapidated structures and it will encourage re-vitalizing areas restricted by the existing 100 foot ordinance.

- a. Attached are site plans of a proposed project within Cottonwood Heights that is not feasible to improve based on the current 100 foot private driveway restriction
- b. Location is 2300 East 6545 South
- c. See attached photos (**EXIBIT E**)
- d. See attached Site plans
 - i. Option "A" with 100 foot private driveway (**EXIBIT F**)
 - 1. Length of driveway prohibits meeting 8,000 square foot minimum for front lots
 - 2. Length of driveway creates a disproportionately large flag lot for one single-family home
 - ii. Option "B" with 150 foot private driveway (**EXIBIT G**)
 - 1. Meets minimum square footage for lots in R-2-8 zone (8,000 sf)
 - 2. Creates proportionate lots suitable for building

Chapter 12.20

DESIGN STANDARDS

Sections:

- 12.20.010** Departmental standards.
- 12.20.020** Design standards generally.
- 12.20.025** Design standards for subdivisions located in the foothills and canyons overlay zone.
- 12.20.030** Blocks.
- 12.20.040** Lots.
- 12.20.050** Protection strips.
- 12.20.060** Flag lots permitted.

12.20.010 Departmental standards.

Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be prepared by the community development department. Standards for water distribution and sewage disposal facilities shall be prepared by the health department, and similar standards for fire hydrants shall be prepared by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the city, provided that such standards shall be approved by the city council.

12.20.020 Design standards generally.

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the planning commission and by other departments and agencies of city government. Design standards shall be approved by the city council and shall include provisions as provided in sections 12.20.030 through 12.20.050.

12.20.025 Design standards for subdivisions located in the foothills and canyons overlay zone.

A. Design shall further purposes and goals of overlay zone. In subdivisions proposed for development in the sensitive lands overlay zone (see chapter 19.72 in title 19, zoning), the general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of the foothills and canyons overlay zone.

B. Consider/Apply zoning development standards. Applicant shall consider and apply the development standards set forth in chapter 19.72 in (1) the layout of the subdivision and (2) the designation of buildable areas on individual lots (see subsection c of this section) in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

C. Designations of buildable areas. All preliminary and final subdivision plats shall outline buildable areas on each lot intended to accommodate planned principal and accessory structures.

D. Clustering of lots. Clustering of lots within a subdivision is strongly encouraged and may be required by the planning commission to meet the requirements of this provision and the overlay zone.

12.20.030 Blocks.

A. Dedicated walkways through the block may be required where access is necessary to a point designated by the planning commission. Such walkways shall be a minimum of ten feet in width, but may be required to be wider where determined

necessary by the planning commission. The subdivider shall surface the full width of the walkway with a concrete or asphalt surface, install a chain-link fence or its equal six feet high on each side and the full length of each walkway and provide, in accordance with the standards, rules and regulations, barriers at each walkway entrance to prevent the use of the walkway, by any motor vehicle or by any other nonmotorized vehicle wider than four feet.

B. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

12.20.040 Lots.

A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.

B. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning title, if any, for the zone in which the subdivision is located, and to the minimum requirements of the health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning title.

C. Each lot shall abut on a street shown on the subdivision plat or on an existing publicly dedicated street which has become public by right of use and which is more than 26 feet wide. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.

D. Side lines or lots shall be approximately at right angles, or radial to the street lines.

E. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.

12.20.050 Protection strips.

Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the planning commission, retain a protection strip not less than one foot in width between the street and adjacent property; provided, that an agreement, approved by the city attorney, has been made by the subdivider, contracting to deed to the then owners of the contiguous property, the protection strip for a consideration named in the agreement; such consideration to be not more than the fair cost of land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the city attorney to the planning commission prior to approval of the final plat. Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use.

12.20.060 Flag lots permitted.

A flag lot may be approved by the planning commission upon its finding that, due to topographic conditions, sensitive land concerns, or other requirements of this title, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone, subject to compliance with all of the following conditions:

A. Flag lots may only be created from existing legal lots. Only one flag lot may be subdivided from an existing legal lot.

B. The flag lot shall be used exclusively for a single-family residential dwelling and shall be located to the rear of the original (front) lot.

C. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located (including the enhanced lot area requirement described in subsection G of this section), and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.

D. The original (front) lot (i.e.—the lot which remains from the original parcel after the creation of the flag lot and the private land accessing the flag lot) shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located, and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the minimum required area of the front or original lot.

E. Maximum height. The maximum height of any structure on a flag lot shall be 26 feet.

F. The setbacks for the flag lot shall be as follows:

1. Front: 20 feet.
2. Sides: no less than 20 feet on each side.
3. Rear: 20 feet.

G. The minimum lot area of a flag lot, exclusive of the private access lane, shall be one hundred twenty five percent (125%) of the minimum lot area required in the underlying zone.

H. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement for ingress and egress, benefiting the flag lot, over and across the original (front) lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.

I. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common private lane.

J. The private lane accessing a flag lot shall include a paved driveway that is at least twelve feet (12') wide and a landscaped buffer that is at least five feet (5') wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. The private lane shall front on a dedicated public street, and may not exceed one hundred feet (100') in length. The private lane also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city.

K. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.

U. Street Lighting

1. The developer shall follow the requirements as outlined in the most current edition of Title 13, Chapter 7, Revised Ordinances of Sandy City [R.O.S.C.] (Sandy City Street Lighting Ordinance).
2. The street lights shall be placed as approved by the Public Utilities Director or his/her designee. Such items to be approved include appropriate distance, alternating sides of street, location upon the property, street light type, height, and illumination intensity as determined by the City's specifications and details for municipal construction.

V. Lots

1. Every parcel of land created by a subdivision shall comply with the minimum lot size requirements of the City Zoning Ordinance, and shall be platted as part of a subdivision. No parcel of land shall be created or left unplatted which is either undevelopable or serves merely as a nuisance or lot remnant.
2. Except for more flexible requirements listed in sub a and sub b below, or as those pertaining to planned unit developments, or as may be otherwise provided in this Code, all lots shall have the required frontage upon a dedicated and improved street.
 - a. Residential building lots that do not have frontage upon a public street shall obtain a conditional use permit prior to plat approval.
 - b. Commercial building lots within a recorded subdivision are exempt from this requirement (they may be developed without direct frontage upon a public street).
3. Where a canal abuts a subdivision the area of the portion of the canal which is located in the lot(s) shall not be included in the computation of total lot size nor side or rear yard setbacks for purposes of determining compliance with the Sandy City Land Development Code.
4. All lot corners, points of curvature, tangency, and bearing changes shall be marked with permanent metal stakes approved by the City. The front corners of the lot shall be marked as per the standard specifications and details for municipal construction.
5. Double frontage, and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
6. Where possible, side lot lines shall be substantially at right angles to street lines.

W. Flag Lots. In order to encourage the more efficient use of land, flag or L-shaped lots may be allowed as a conditional use (a permitted use within the Sensitive Area Overlay District) subject to the following conditions:

1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.
2. That staff portion of said lot shall front on and be contiguous to a dedicated public street or private

street. The minimum width of the staff portion of flag lots shall be 20 feet and the maximum length shall be 220 feet unless otherwise approved by the Planning Commission and Fire Department.

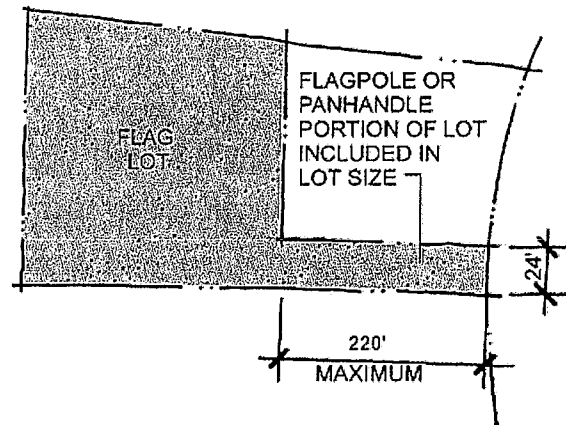


Figure 1: Typical Flag Lot

3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot unless the minimum width thereof is the same or greater than the minimum width for a lot as allowed in the underlying zone (excluding entrance features and street lights).
4. The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street or private street upon which the staff portion fronts.
5. The staff portion of said lots shall be deemed to end and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.
6. The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required in the underlying zone.
7. The side and rear yard requirements of the flag portion of said lots shall be the same as is required in the underlying zone.
8. The minimum front setback requirements for all buildings shall be 30 feet, excluding the staff, from the front lot line of the flag portion thereof. Other setbacks shall be those on the underlying zone.
9. No more than two flag lots can be served by one staff portion.
10. All flag lots in the development site shall be approved in the site plan by the Planning Commission.
11. The maximum number of flag lots in the subdivision shall be not more than 20 percent of the total number of lots within the subdivision, unless otherwise approved by the Planning Commission.
12. The approved building envelope shall be illustrated upon the final plat.
13. Figure #1, attached hereto and specifically made a part of this Section, is an example of a "flag lot" and is included herein to illustrate the concept of "flag" or "L-shaped" lots.

X. Seismic Areas

1. Any subdivision or lot on or adjacent to a seismic area shall comply with provisions of the Sensitive Area Overlay Zone.
2. A subdivision lot shall be designed so that a building can be erected on the lot without encroaching the zone of deformation. No building shall be erected on or within a zone of deformation. Subdivision

Procedures and Standards For the Establishment and Development Of FLAG LOTS

1. Division of a property with frontage on a street so as to create one or more **flag lots** requires subdivision approval in accordance with Title 18 of the Code of County Ordinances for Salt Lake County.
2. Access to a **flag lot** or **lots** shall be provided in the following manner;
 - a. Ownership of the land area connecting the **flag lot(s)** to the street by the person(s) or entities that own the balance of the land area included in the **flag lot(s)**, or
 - b. Retention of ownership of the land area connecting the **flag lot(s)** to the street by the owner of the **base lot(s)** fronting on the street, but only if conveyance of that land area would render the **base lot(s)** substandard with regards to lot width or lot area requirements applicable to the zone in which the properties are situated. If so retained, access to the **flag lot(s)** shall be provided through conveyance and recordation of a perpetual access easement for each lot, together with cross maintenance and liability agreements addressing the rights and responsibilities of the owners of the **base lot(s)** and the **flag lot(s)**.
3. In order to subdivide an existing lot or parcel so as to create two or more separate lots or parcels (the **base lot(s)** adjacent to the street and a **flag lot(s)** to their rear), sufficient land area must be available to maintain;
 - a. For the **base lot(s)**, compliance with the required area and width requirements of the zone in which the properties are situated, and

- b. For flag lot(s) less than one half acre in size;
1. One and one half times the area requirements for the zone in which the properties are situated if ownership of the land providing access to the flag lot(s) is retained by or conveyed to the owner of those lots, or
 2. One and one half times the area requirements for the zone in which the properties are situated minus the land area included in the access easement across the base lot(s).
- c. For flag lot(s) one half acre in size or larger;
1. Compliance with the required area and width requirements of the zone in which the properties are situated, exclusive of the land area encumbered for access purposes to the flag lot(s), whether by ownership or perpetual easement.
4. In addition to maintaining compliance with the area and width requirements of the zone in which the base lot(s) are located, normally-applicable yard or setback requirements for the base lot(s) must be maintained, particularly if said lots are already developed or improved. Where access to a flag lot is provided via recordation of a perpetual easement across the base lot, the yard or setback for the base lot shall be measured from the interior edge of the easement closest to any existing or proposed improvements on the base lot.
5. Access to a flag lot(s), whether by ownership of the land area across which such access is provided or through recordation of a perpetual access easement across the base lot(s), must be of uniform width from the flag lot to the intersection with the street right-of-way or easement upon which the base lot fronts in accordance with the following:
- c. On properties where the length of the access connection from the flag lot(s) to the street right-of-way or easement is less than one hundred and fifty feet, the width of that connection must be no less than twenty feet unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.



- d. On properties where the length of the access connection from the flag lot to the street right-of-way or easement is *more than* one hundred and fifty feet, the width of that connection must be no less than *twenty-five feet*, unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.

6. **Improvements to the travel way within the access connection from the flag lot(s) to the street right-of-way or easement shall be in accordance with the following standards:**

- f. On properties where the length of the access connection is *less than* one hundred and fifty feet, the **improved surface** of the travel way must be;

1. At least twelve feet in width its entire length *unless* a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and
2. No closer than;
 - a. Five feet to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. Four feet to a neighboring property line for the remaining length of the improved travel way from the street right-of-way or easement line to the flag lot(s).
3. Incompliance with county standards at its intersection with the street right-of-way or easement.

- b. On properties where the length of the access connection is *more than* one hundred and fifty feet, the improved surface of the travel way must be;

1. At least eighteen feet in width its entire length so as to allow the passage of vehicles in opposite directions *unless* a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and

2. Provided with a "vehicle turnaround" on the **flag lot(s)** to the satisfaction of County Fire officials; and
3. No closer than;
 - a. Five feet to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. Four feet to a neighboring property line for the entire length of the improved travel way on private property; and
4. In compliance with county standards at its intersection with the street right-of-way or easement; and
7. The land area that is not encumbered by required travel way surface improvements within the access connection from the **flag lot(s)** to the street right-of-way or easement shall be planted in its entirety and maintained as landscaped buffers on each side of the travel way in accordance with plans reviewed and approved as part of the flag lot approval process.
8. Site plan review for the development of a single family residence on a **flag lot** shall be on a permitted use basis and subject to the same ordinance requirements and development standards as those applicable to other single family residential properties in the same zone except with regards to yard or "setback" requirements which, for a **main dwelling**, shall be as follows;
 - a. For properties in the R-1-6, R-1-7, R-1-8, and R-1-10 zones, a uniform yard or "setback" requirement of twenty feet shall be maintained from all property lines of the "flag" portion of the lot.
 - b. For properties in the R-1-15 and R-1-21 Zones, a uniform yard or "setback" requirement of **twenty-five feet** shall be maintained from all property lines of the "flag" portion of the lot.

- c. For properties in the R-1-43 Zone, a uniform yard or "setback" requirement of thirty feet shall be maintained from all property lines of the "flag" portion of the lot.
9. The yard or "setback" requirements for a detached accessory structure on a flag lot shall be as follows:
- a. For properties in the R-1-6, R-1-7, R-1-8, R-1-10, and R-1-15 Zones, a detached accessory structure must be to the rear of and at least 6 feet from the main dwelling on the flag lot, and must maintain the following separation from adjacent property lines;
- ① Ten feet if adjacent to the side yard of a dwelling on an adjacent lot;
 - ② One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.
 - ③ Twenty feet adjacent to any street.
- b. For properties in the R-1-21 and R-1-43 Zones, a detached accessory structure must maintain the following separation from adjacent property lines;
1. Twenty-five feet if located to the side or front of the main dwelling on the flag lot.
 2. Twenty feet adjacent to any street;
 3. Ten feet if located to the rear of and at least six feet from the main dwelling on the flag lot but adjacent to the side yard of a dwelling on an adjacent lot;
 4. One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does

not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.

10. Lots of record that were created in accordance with the procedures for the establishment of "Deep Lots" as set forth in the Salt Lake County Planning Commission's 1965 policy by that name shall continue to be subject to the site development and improvement standards associated with that policy.

(6) Engineer Responsibility. The design engineer must indicate his responsibility for strength parameters and his acceptance of the site for use of the retaining wall. If a separate geotechnical report was prepared and used by the design engineer, the geotechnical report needs to be submitted with the design, but the report needs to substantiate the values used for the analysis as indicated in 9-27-

085(e)(2) above. The design engineer will be required to make those inspections that are needed for his approval. The engineer shall submit with the design an inspection frequency schedule.

(f) Preconstruction Meeting. Prior to construction of any approved retaining wall, a preconstruction meeting may be required as directed by the Building Official or City Engineer with building permit approval. The meeting should include the reviewing engineer with Draper City, a member of the Building or Planning Department, the design engineer, the owner, and the Quality Control firm. This meeting should be conducted at least 48 hours prior to construction.

(g) Inspections. A letter from the designing engineer stating that the retaining wall has been built according to the submitted design, along with a report verifying that the designing engineer or his representative made inspections of the wall in accordance with the inspection frequency schedule as submitted in compliance with Section (e)(6) while it was under construction.

(h) Maintenance. All retaining walls must be maintained in a structurally safe and sound condition and in good repair.

Section 9-27-090 Flag Lots.

Flag lots for single family residences may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title or other titles adopted by the City. The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a "last resort" for property which may not otherwise be reasonably developed.

(a) Factors. When property is subdivided, flag lots shall not be approved by right but may be allowed after considering the following:

(1) More than two (2) flag lots with contiguous staffs should be avoided;

(2) Whether development of the property in question under normal City zoning and subdivision regulations is reasonable and practical; and

(3) Creation of a flag lot should not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.

(b) Development Standards. When flag lots are permitted, they shall be subject to the following conditions.

(1) A flag lot shall be comprised of a staff (narrow) portion that is contiguous with a flag (wide) portion.

(2) The staff portion of the lot shall front on and be contiguous to a public street. The minimum width of the staff portion at any point shall be twenty (20) feet. However, a greater staff width for lots within the sensitive lands overlay zone may be required. The maximum length of the staff shall be five-hundred (500) feet. The maximum grade of the staff shall not exceed twelve percent (12%) in the direction of intended traffic flow on the staff. The staff portion of the lot should generally follow property contours.

(3) The size of the flag portion of the lot shall conform to the minimum lot size requirement of the zone in which the lot is located, but in no case be less than fifteen thousand (15,000) square feet. Sufficient turnaround space for emergency vehicles shall be provided.

(4) No building or structure shall be located within the staff portion of a flag lot.

(5) The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Regardless of the zone, the minimum front yard setback shall be twenty-five (25) feet and all other setbacks for main buildings shall be a minimum of twenty (20) feet.

(6) Screen fencing may be required to be erected around the staff and/or flag portions of the lot.

(7) The main building shall be located no more than two-hundred-fifty (250) feet from a fire hydrant, measured along a public or private right-of-way or along the staff portion of the flag lot. An easement for any fire hydrant located on private property shall be provided to the City for access to and maintenance of the hydrant. The Fire Chief shall review proposed flag lots to insure adequate space and site configuration for turn-around of emergency vehicles.

(8) All driveways located in the staff portion of the lot shall be paved within one-hundred (100) feet of any pre-existing house on a neighboring parcel.

(9) Upon review the City may require installation of curb, gutter and other drainage control measures in the staff portion of a flag lot to prevent runoff from entering neighboring properties.

(10) Clear address signage must be installed and maintained at the

street, including notice that the driveway is a private right-of-way.

Section 9-27-100 Frontage Improvements.

Planned street improvements as shown on the City's Master Traffic and Transportation Plan, including swales, curb, gutter, sidewalk, paved street, turn-about space, and fire hydrants shall be installed on all public street frontages as shown on such plan and in conformance with City construction standards as condition of issuing a building permit for new development or remodeling of a structure that exceeds fifty percent (50%) of the structure's value, when such improvements do not exist or are not financed for construction.

(a) Use Changes. Use changes from lesser to greater intensity shall require the installation of frontage improvements consistent with the intended use as reasonably determined by the Planning Commission.

(b) Extent of Improvements. When the size of a lot or parcel exceeds minimum zone requirements, the Planning Commission may determine the extent of the required improvements if the frontage adjoining a public street is, in its judgment, excessive based on cost calculations reviewed by the City Engineer. However, frontage improvements shall be provided for no less than the minimum lot width required by the zone in which the lot or parcel is located.

(c) Dedication and Construction of Improvements. When widening of a public street is planned, as shown on the City's Master Traffic and Transportation Plan, street right-of-way and frontage improvements associated with proposed development shall be dedicated to the public and improved without cost to the City to the extent the development creates a demand for such improvements as determined by the Planning Commission after receiving a recommendation from the City Engineer.

(d) Appeals. If a street dedication and improvement requirement is alleged to not be proportional to the demand created by new development, such requirement may be appealed pursuant to Section 2-4-060, Draper City Code.

Section 9-27-110 Frontage Improvements - Methods of Providing.

In lieu of requiring full frontage or right-of-way improvements, including without limitation, curb and gutter, parking strips and associated landscaping, sidewalk, paved street and fire hydrant improvements, the City may authorize a developer to satisfy street frontage improvement obligations in one of the following ways:

(a) Install Improvements. Install a fair-share of improvements, as determined by the Planning Commission according to the City Engineer's calculations, of the developer's obligation applied to one or more of the full frontage improvements that extend beyond the developer's property to complete a tie-in or to a logical terminus.

(b) Form Special Improvement District. Form a special improvement district to complete the developer's fair-share of improvements and additional improvements to benefit the neighborhood.

(c) Pay Assessment. Place funds in an escrow account equal to the estimated cost, as determined by the Planning Commission according to the City Engineer's calculations, of the developer's obligation for frontage improvements. Such funds shall go to the installation of street and frontage improvements in projects determined by the City according to its discretion of priority. Placement of the funds into an escrow account shall not be construed to imply or guarantee to the developer a specific time when improvements will be installed on the frontage or right-of-way with funds from a City-sponsored improvement project. However, such escrow shall exempt the developer from participating in a special improvement district formed by the City for the same improvements. Any interest which may accrue on escrowed funds shall be available to the City for use in the improvement project.

(d) Delay Installation. Sign and record an agreement, binding the developer to install required improvements at a later date upon demand by the City, subject to all of the following requirements:

- (1) The development of the property is for one single-family dwelling only;
- (2) The property is a single, legal conforming parcel as defined in this Title or Title 17;
- (3) The parcel has frontage on a public street;
- (4) No street improvements exist on the same side of the public street contiguous to the parcel in either direction; and
- (5) The parcel is not within a recorded subdivision.

Section 9-27-120 Height Limitations and Exceptions.

(a) Method of Measurement. Except as provided elsewhere in this Title, height shall be measured as follows:

- (1) Fences, walls, and hedges shall be measured from the average finished grade of the fence, wall, or hedge line.
- (2) Where there is a difference in the grade of the properties on either side of a fence or wall located on the boundary line of a lot or parcel, the height of a fence or wall shall be measured from the lowest grade of the adjoining properties except that in any instance a four (4) foot high fence shall be allowed.

EXHIBIT E



EXHIBIT E



EXHIBIT F

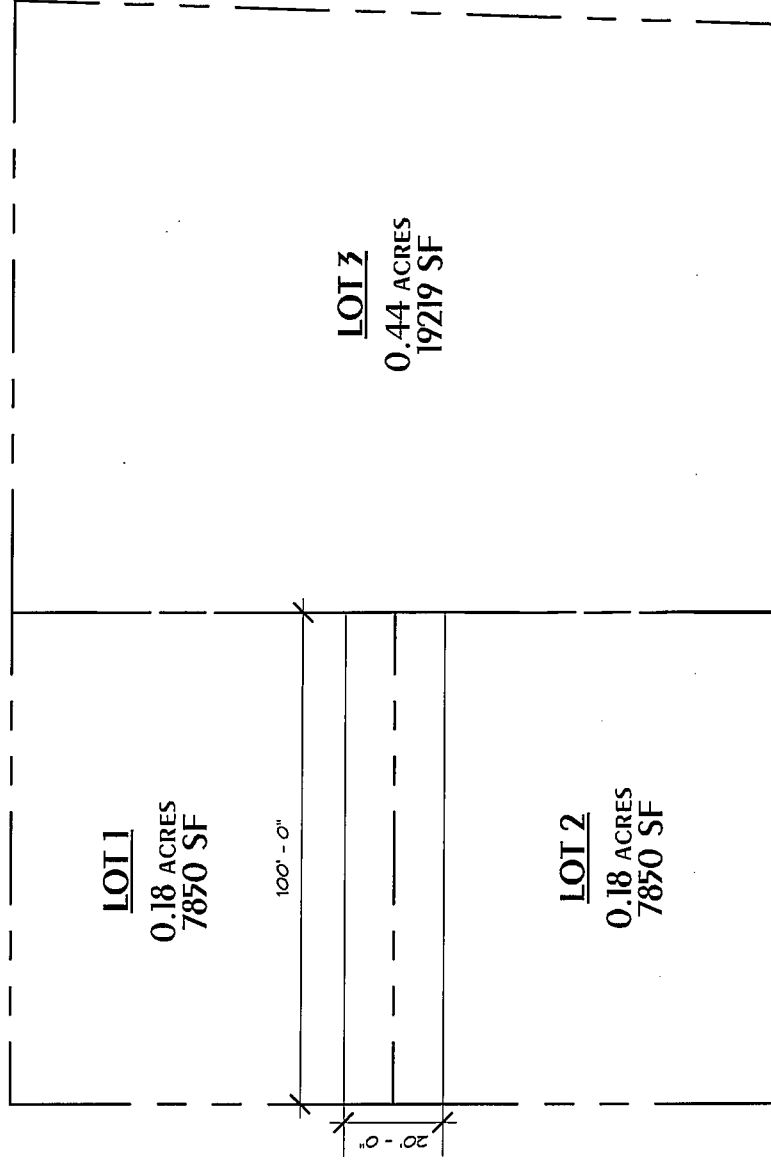
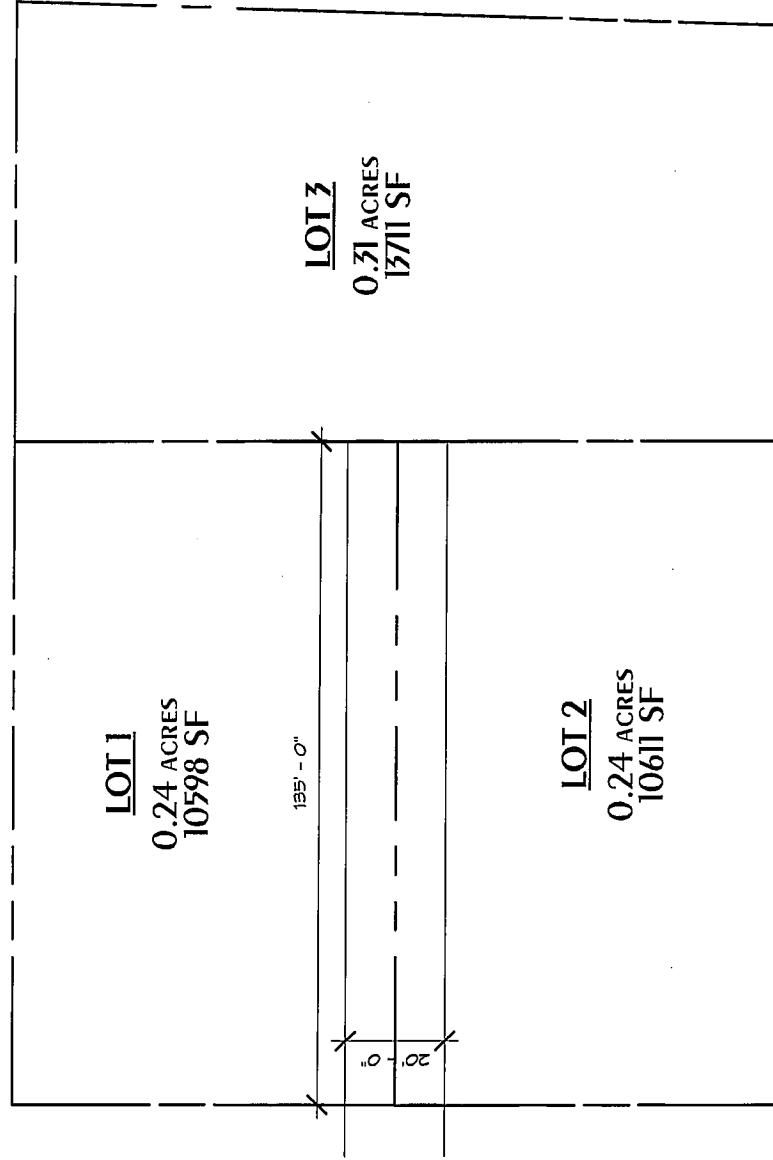


EXHIBIT G



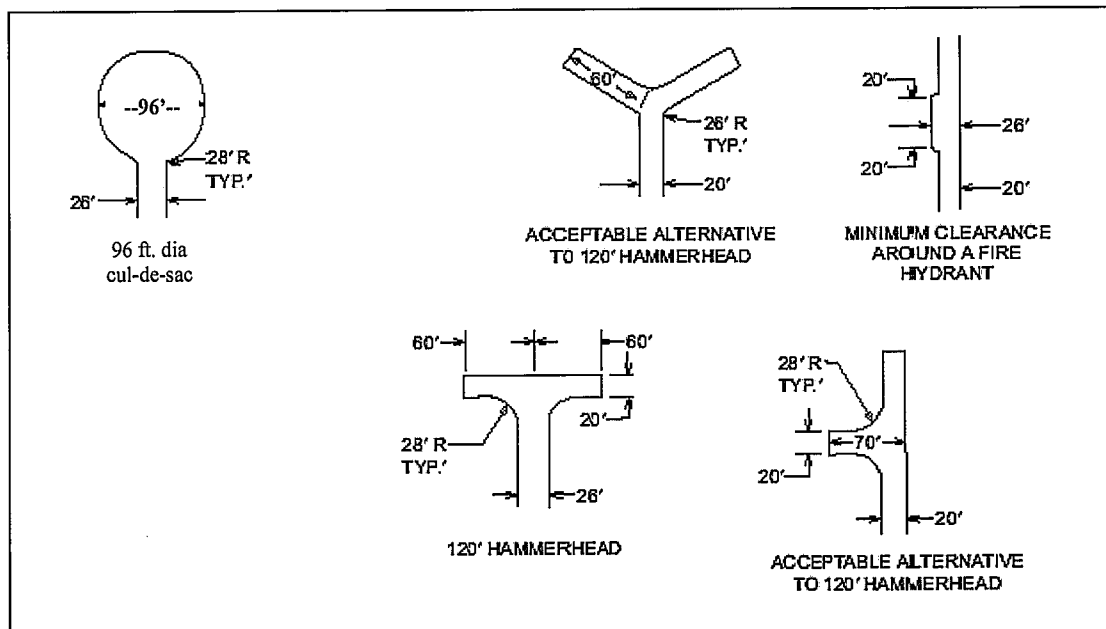
IFC D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4.

Requirements for Dead-End Access Ways
Table D103.4

Length	Width	Grade	Turnaround Requirements
0 – 150 ft.	20 ft.	10% max.	None Required
151 – 500 ft.	20 ft.	10% max.	120 ft. Hammerhead, "Y" or 80 ft. Diameter Cul-De-Sac in accordance with Figure D103.1
501 – 750 Ft.	26 ft.	10% max.	120 ft. Hammerhead 80 ft. Diameter Cul-De-Sac in accordance with Figure D103.1
Over 750 ft.	Special Approval Required		

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official. See 503.2.4

IFC 503.2.4 Turning Radius. Unless the statutes of the jurisdiction vary the required turning radius of a fire apparatus access road shall be determined by the fire code official. Within the Unified Fire Authority jurisdiction the illustrations below will be used.



12.20.060 Flag lots permitted.

A flag lot may be approved by the planning commission upon its finding that, due to topographic conditions, sensitive land concerns, or other requirements of this title, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone, subject to compliance with all of the following conditions:

A. Flag lots may only be created from existing legal lots. Only one flag lot may be subdivided from an existing legal lot.

B. The flag lot shall be used exclusively for a single-family residential dwelling and shall be located to the rear of the original (front) lot.

C. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located (including the enhanced lot area requirement described in subsection G of this section), and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.

D. The original (front) lot (i.e.—the lot which remains from the original parcel after the creation of the flag lot and the private land accessing the flag lot) shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located, and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the minimum required area of the front or original lot.

E. Maximum height. The maximum height of any structure on a flag lot shall be 26 feet.

F. The setbacks for the flag lot shall be as follows:

1. Front: 20 feet.
2. Sides: no less than 20 feet on each side.
3. Rear: 20 feet.

G. The minimum lot area of a flag lot, exclusive of the private access lane, shall be one hundred twenty five percent (125%) of the minimum lot area required in the underlying zone.

H. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement for ingress and egress, benefiting the flag lot, over and across the original (front) lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.

I. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common private lane.

J. The private lane accessing a flag lot shall include a paved driveway that is at least twelve feet (12') wide and a landscaped buffer that is at least five feet (5') wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. The private lane shall front on a dedicated public street, and may not exceed one hundred feet 100' in length. The private lane also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city.

K. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.



Agenda Item 3 – Consent Calendar – Short Term Rentals

The following list of short term rental applications have been received by the City, application fees have been paid and staff has inspected the properties for compliance with the new Short Term Rental Ordinance. In addition, each applicant has made a statement pertaining to each properties' compliance "*with all legal requirements and all other applicable laws*" pursuant to Cottonwood Heights Municipal Code 19.89.070(B). A map of the properties' locations is attached. Each property is located in the R-2-8 zone and therefore is required to be

As each property is found to be consistent with the requirements of 19.89, staff is recommending that the list of short term rental applications be approved with the following conditions:

1. That each approved short term rental property is required to maintain compliance with all sections and sub-sections of chapter 19.89 of the Cottonwood Heights Municipal Code and all other legal requirements and all other applicable laws.

3556 East Rustic Spring Lane
3571 East Lost Spring Lane
3581 East Rustic Spring Lane
3569 East Wasatch Hills Lane
8162 South Clover Spring Lane
8318 South Valiant Drive
8191 South Wasatch Grove Lane
8204 South Wasatch Grove Lane
8205 South Wasatch Grove Lane

Staff Contact:

Sherry McConkey
Planning Coordinator
Telephone: 545-4172
Fax: 545-4151
e-mail: smcconkey@cottonwoodheights.utah.gov

List of Attachments:



Item 4 Approval of Minutes

January 09, 2008

January 16, 2008

Staff Contact:

Sherry McConkey – Planning Coordinator

Telephone: 545-4172

Fax: 545-4150

E-mail: smcconkey@cottonwoodheights.utah.gov

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, January 9, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**

9
10 **ATTENDANCE**

11
12 **Planning Commission Members:**

13
14 J. Thomas Bowen, Chairman
15 Geoff Armstrong
16 JoAnn Frost
17 Jerri Harwell, Alternate
18 Doug Haymore (excused at 7:55 p.m.)
19 Gordon Nicholl
20 Amy Rosevear, Alternate
21 Sue Ryser

City Staff:

Michael Black, Planning Director
Glenn Symes, Associate Planner
Shane Topham, City Attorney
Sherry McConkey, Planning Coordinator
Brad Gilson, City Engineer
Mayor Kelvyn Cullimore
Liane Stillman, City Manager
Sgt. Paul Brenneman
Detective Dan Bartlett
Detective Corbet Ford

22
23
24
25 **Excused:**

26
27 Jim Keane

28
29 **REGULAR MEETING**

30
31 Chairman J. Thomas Bowen called the meeting to order at 7:03 p.m. The presence of Scout
32 Troop 1113 was acknowledged. The scouts were working on their communications merit badge.
33 Procedural issues were reviewed.

34
35 **1. Public Comment.**

36
37 There were no public comments.

38
39 **2. Continued Action Item – Conditional Use – Wasatch Office.**

40
41 (19:05:24) Chair Bowen reported that the Wasatch Office matter had been on the agenda several
42 times and had been continued from the Commission's December meeting for action tonight. The
43 item did not involve a public hearing. Additional public input had been received but the purpose
44 of tonight's meeting was for the Planning Commission to make a decision.
45

1 Chair Bowen reviewed what had transpired on the application. The property in question was
2 rezoned several years earlier by Salt Lake County. If the matter were presented to the City today
3 the rezone would most likely not be approved to the present zone. The City, however, was
4 obligated by law to deal with the property in its present state and zone. Chair Bowen explained
5 that by rezoning the property it was a given under state law that certain uses are appropriate.
6 Those uses were set out in the ordinance as conditional uses. State law requires that conditional
7 uses be granted in most instances unless there is some compelling interest in the property or
8 some detrimental effect that the use of the property will create that cannot be mitigated. He
9 explained that almost any detrimental effect could be mitigated through some type of action.

10
11 Chair Bowen explained that the owner of the property upon filing an application acquired certain
12 vested rights. The applicant had the right to see the application through and the City could not
13 deny that right. If those present were unhappy with the situation, he suggested their concerns be
14 addressed with the State Legislature. He remarked that cities receive their rights and authority
15 from the Legislature who can grant and take away certain rights from cities. Approximately
16 three years earlier, the Legislature enacted a law that substantially restricted the ability of cities
17 to deny conditional use permits. Given that background, the Commission tonight was dealing
18 with a property owner with certain vested rights who had made application. The Commission
19 was obligated under state law to deal with that and do what they can to mitigate any adverse
20 impacts the property may have. The Commission's ability to deny a conditional use application
21 was severely limited.

22
23 (19:09:24) Chair Bowen stated that the City received a great deal of input from the public on the
24 matter. There were numerous public hearings conducted in an effort to try to communicate with
25 the citizens about what was taking place. Some of the information received from the public had
26 been very helpful. Some citizens thought the Commission was turning a deaf ear to what the
27 public had to say. That was not the case. The Commission appreciated the time and effort the
28 citizens had put in. They thought that if the project were approved, it would be much better
29 because of the input received from concerned citizens and the neighbors in the area. Chair
30 Bowen thought the City had been quite diligent in dealing with the matter. The Members of the
31 Planning Commission reviewed all of the information submitted. He remarked that the City had
32 experts that it relied upon to help make recommendations.

33
34 Chair Bowen remarked that the matter was on the agenda the previous month. During that time
35 the Planning Commission was poised to make a decision but because of problems and materials
36 that were not received, the matter had to be continued. In the interim the developer filed a
37 request that a decision be rendered within 45 days. That request was filed in December. Both
38 sides had threatened to take legal action if the City failed to decide in their favor. The threat of
39 litigation was not something the City took lightly but it also was not something that intimidated
40 the Commission in making their decision. The charge of the Commission was to do their best
41 with the information available.

42
43 (19:13:36) Planning Director, Michael Black, showed slides of the site. He explained that the
44 applicant's request was consistent with the RM zoning designation granted to the property by
45 Salt Lake County. The request was for three office buildings totaling approximately 42,000
46 square feet. The property was described as approximately 5.12 acres of previously undeveloped

1 property at 7755 South Wasatch Boulevard. He noted that the site was covered with scrub oak
2 and other trees. He estimated that one-third of the property was flat. He recognized that was
3 often overlooked since 65% of the property was sloped.

4
5 Mr. Black reported that the property was zoned RM by the County on March 9, 2004. There had
6 been some reports that the County did not follow proper procedure when noticing the public
7 hearing for the zone change. Because of that, the City conducted research after being
8 incorporated. Mr. Black reported that he actually conducted the research himself in June 2005.
9 He found that there was a well documented system in the file that showed that the County
10 followed its procedures for the rezone. A timeline of events pertaining to the request was kept.

11
12 Mr. Black discussed the role of the Planning Commission and explained that the Planning
13 Commission had the authority to make decisions regarding conditional uses; however, they are
14 required to follow the state and local codes. The state code says that the City shall approve a
15 conditional use if reasonable conditions are proposed or can be imposed to mitigate the
16 reasonably anticipated detrimental effects of the proposed use in order to deny a conditional use.
17 The Planning Commission must make a supported finding that the reasonably anticipated
18 detrimental effects of a proposed conditional use cannot be substantially mitigated by the
19 proposal or the imposition of reasonable conditions in order to deny the permit. The state does
20 not expect or require that the City eradicate detrimental effects; only that they mitigate them
21 within reason.

22
23 (19:17:50) Mr. Black described the review process and stated that it took two years because of
24 the sensitive lands concerns on the project site. Staff began the review with the requirement that
25 the developer file a new application for conditional use with the City. The applicants had
26 previously applied for conditional use approval with the County, but before a final decision
27 could be made on the project, the City incorporated and the County closed the file without a
28 decision. After staff received a complete application, they began to look at the geology of the
29 site and required the developer to submit multiple reports and redo trenches to substantiate the
30 information they were providing. That process took over one year. Once the developer was able
31 to show that there were some buildable areas on the property, staff was able to move forward
32 with the remainder of the review. The site plan review entailed reviewing all points of the site
33 plan from grading to architecture and landscaping. The process also included a review by the
34 Architectural Review Commission. With the site plan review staff was able to propose
35 conditions to be imposed upon the developer and the development to mitigate the anticipated
36 detrimental effects. In total, 45 conditions were proposed.

37
38 The surrounding zoning in the area was described. Mr. Black displayed a table showing the total
39 impervious area of the site as 35%, including all of the building footprints and hard surfaces of
40 the site. It also showed that the formal and informal landscaped areas occupied about 65% of the
41 site. He explained that the Sensitive Lands Ordinance requires that no development in the
42 Sensitive Lands Zone have a total impermeable surface of more than 35% of the total property.

43
44 The site layout was discussed showing the buildings and their relationship to fault lines.
45 Mr. Black reported that there were fault lines on the property and many reports had been written
46 and trenches dug. He expected there would be more trenches dug when the buildings are

1 excavated. A rendering of the site showing the topography was displayed. With regard to
2 parking, Mr. Black stated that the City would have to enforce parking minimums. The maximum
3 for the medical uses would be 3.5 spaces per 1,000 net square feet of leasable floor area.
4

5 (19:23:48) With regard to landscaping, the City worked with the developer and his landscape
6 architect to arrive at the current landscape plan. The plan showed an increase in vegetation
7 around the site with new trees, native grasses, and annuals. There would be a healthy mix of
8 deciduous and evergreen trees throughout the development. The amount of new vegetation and
9 the existing vegetation to remain would be used to beautify the property and screen it from
10 adjacent uses. A great deal of the existing scrub oak was to be retained on site. The pedestrian
11 plan was described.
12

13 Architecture was reviewed. Mr. Black stated that the proposed architecture for the development
14 was designed to fit in as well as possible with the area. The Architectural Review Commission's
15 recommendations were included in the list of conditions provided to the Commission Members.
16 Lighting issues were reviewed. It was noted that all lights would be downward pointed and
17 adjustable.
18

19 Mr. Black stated that the proposed project was in the Sensitive Lands Area. The City Engineer
20 and City Geologist could attest to the fact that the applicants had met the conditions of those
21 areas.
22

23 Mr. Black read the following statement:
24

25 Throughout the development process, the City has tried to balance the property
26 rights of the landowner with the requests and demands of other parties. We also
27 have to be sure that they do not violate the state code or our own code in doing so.
28 We have operated within the code that is adopted and have processed the
29 applications accordingly. In some cases, we stepped outside of the state
30 requirements on our own and had more meetings than what is usually required or
31 thought to be adequate for a conditional use of this nature. All of these meetings
32 were held in an attempt to gain information from the public and to give information
33 to the public. The City has had seven public meetings, excluding Architectural
34 Review Commission Meetings and Development Review Commission Meetings.
35 Most conditional uses are justified with one public meeting or one public hearing.
36 With regard to the appropriateness of the land use, if this property owner came to
37 the City with a request for a zone change, the recommendation from staff would
38 have likely been much different. However, the City did not have the opportunity to
39 comment on that as zoning was approved before the City incorporated. The City
40 has had a policy not to do anything that would diminish any person's property
41 rights or values within the City. We processed the application with due diligence
42 and every condition being proposed today is one that was arrived at through a
43 thorough review of potential detrimental effects and staff is convinced that these
44 conditions will improve the project and better protect the neighborhood. We
45 understand that there are some people in the audience tonight who believe we, as
46 the staff, Planning Commission, and City Council have not done everything that we

1 could to protect them and their property rights. I have to say that I disagree and
2 that I personally have worked on the project for nearly three years, not for the
3 developer and not for myself, but representing the City's interests and those of the
4 area residents. I have done everything within my power and to the extent of the
5 law to review this project and propose legal conditions and changes of the
6 development proposal that will be in the interest of preserving the health, safety,
7 and welfare of the City.
8

9 (19:32:25) The City Geologist reported that a series of studies were performed on the property.
10 Recommendations were made for additional information which was provided and reviewed. He
11 was in the process of making recommendations for final conditions when another geologist was
12 asked to review the property. He asked that additional work be done in order to confirm the
13 original findings. That work was done and taken into account and weighed against the standard
14 of practice with fault zones. The geologist came to the conclusion that sufficient mitigation was
15 done to make the proposed use of the property viable.
16

17 City Engineer, Brad Gilson, reported that Jason Davis, the UDOT Deputy Region Director, was
18 unable to attend tonight's meeting. With regard to traffic Mr. Gilson was asked to give a brief
19 overview of the applicant's access permit along Wasatch Boulevard. He stated that UDOT had
20 granted an access where they believed would be the best location. Other alternatives were
21 analyzed including Prospector Drive. No additional appreciable safety benefits were provided
22 by moving the entrance off of Wasatch Blvd. The additional counts represented only 14,000 cars
23 per day and were far less than the counts used in the studies. The traffic counts generated by the
24 Wasatch Office Complex represented a very small percentage of the total traffic on Wasatch
25 Boulevard. UDOT indicated that there were adequate opportunities to make a safe left hand
26 movement with the current timing of the two controlled signalized intersections. A resident
27 raised an issue that the stretch of roadway was classified by UDOT as a roadway requiring a
28 signalized access. Any signalized access for this type of classification would require one-half
29 mile spacing per state law for a signal. UDOT must grant an access by state law and as such,
30 issued a number of significant mitigating requirements as part of their permit. The access was
31 also located on a flat portion of Wasatch to preserve the maximum vertical site distance while
32 allowing adequate spacing. In their discussions with UDOT it was indicated that the access point
33 was similar to hundreds of other access points on high volume roadways throughout the valley.
34

35 (19:37:33) In response to a question raised, Mr. Gilson stated that UDOT spent a lot more time
36 with this particular access permit than they generally do with others. They spent a great deal of
37 time considering the site circumstance. It was suggested that UDOT apply an A through F
38 categorization for site location like they do for traffic failure based on how the area functions.
39

40 Commissioner Frost was not convinced with regard to the geology work. She had read a lot of
41 reports and could not understand why there were so many conflicting reports. Mr. Gilson stated
42 that there are often professional differences among geologists but on specifics he did not see a
43 pattern of things that were missed in the prior reports. There seemed to be a series of more and
44 more detailed work to reach a higher level of confidence. The later reports seemed to confirm
45 the prior reports.
46

1 Mr. Gilson explained that because there is a thick area of historic manmade fill that overlays a
2 very thick area of material, trenching more than 20 feet becomes problematic from a safety point
3 of view. He recommended there be verification in deep areas of sediment so that when
4 excavation is done for the buildings, there is digging across the building areas to reconfirm the
5 findings in the first few studies that there are no fault ruptures.

6
7 (19:43:29) *Commissioner Haymore moved to approve the conditional use because the property*
8 *had previously been zoned and is currently zoned RM and whereas the facts seemed to have*
9 *been exhaustively reviewed and reasonable mitigating conditions can be imposed that he*
10 *believed were addressed in each instance by the staff report as printed, including the*
11 *amendments and additions, that the applicant's request for a conditional use be granted*
12 *subject to the following conditions and requirements:*

13
14 **Planning:**

- 15
- 16 1. All construction shall take place in accordance with the approved plans for this development. Any
- 17 changes to the plans will be required to receive the appropriate approvals.
- 18 2. Exterior lighting shall shut off at 9:00 PM except for those fixtures required for safety and security
- 19 purposes and that the maximum height of parking lights be no more than 18 feet (19.80.030(D)).
- 20 3. The parking ratio shall be split between two uses with 70% of the requirement being 3.53 spaces per 1000
- 21 net square feet of floor space for medical/dental offices and 30% being required at 2.84 per 1000 net
- 22 square feet for professional office for a total of 112 parking spaces (19.80.050(A) and (C)).
- 23 4. All landscaping in the development shall be completed before final certificate of occupancy is granted
- 24 (19.80.080(G)).
- 25 5. All lights in the development shall be full-cut off (19.80.090(4)).
- 26 6. Developer shall provide stamped and colored walkways inside the development for pedestrians.
- 27 7. No new tree in the development shall be less than two inch caliper at the time of planting.
- 28 8. The developer shall stripe the bike lane on Wasatch Blvd. as per the UDOT standard.
- 29 9. Construction for the project shall be limited to the hours between 7:00 AM and 6:00 PM daily to preserve
- 30 the integrity of the adjacent neighborhoods and the developer shall strictly follow the approved SWPP for
- 31 the project to eliminate track out on public streets.
- 32 10. If any trees are removed which have been slated for protection per the final approved plans, the developer
- 33 will replace the trees with vegetation as close to the size, type, quality and quantity as those removed.
- 34 11. That, per this conditional use approval, the use for the property be limited to office, business and/or
- 35 professional, medical, optical or dental offices or laboratories.
- 36 12. That all reflective equipment and material be limited under lighting to prevent reflection into properties
- 37 above the development.
- 38 13. All on-site and off-site improvement for the development shall be complete before final occupancy is
- 39 granted for any of the buildings.
- 40 14. All building shall be built to IBC standards.
- 41 15. Excavate an additional trench in the area of Building 1 and Building 2 to a depth of 15 to 20 feet to
- 42 confirm the findings of the AMEC (2004) and Western Geologic (2006 and 2007) reports in the
- 43 proposed locations of these buildings prior to issuance of building permits. This trench would only
- 44 need to be excavated east to west across the proposed buildable area to confirm the fault setbacks
- 45 delineated by Western Geologic. These trenches could be excavated at the time the foundation
- 46 excavations are excavated however adverse findings could result in a need to redesign or relocate
- 47 buildings 1 and 2 so IGES recommends that this trench be excavated earlier.
- 48 16. Revise the site grading plan and building envelopes based on the approves site plan with the correct
- 49 fault line setbacks as set out in the 2006 and 2007 Western Geologic report.

17. The development shall designate snow stacking areas on the site plan and on site with signage (19.80.080(H)).
18. All pedestrian walkways shall be lighted and designated as such on the site plans (19.80.090(3)).
19. Split rail fence should be added along all perimeters abutted by public property.
20. Before a permit is issued for grading the development, the developer is required to meet with staff on site to demonstrate that all trees slated for protection on the final plans are clearly marked to be saved to prevent over cutting of existing trees during grading.
21. Vegetation, including trees shall be increased in front of building 2 and the highest point of the landscaped berm between Wasatch Blvd. and the development shall be in front of building 2 to provide screening of the building from the street.
22. The developer and his architect shall work with staff to design an adequate bus shelter to be used at the site and those construction plans for the bus shelter shall be given to the City for possible use in other areas.
23. All roof lines on the proposed structures shall match in reference to roof pitches.
24. The rock pillars on the west face of building two shall be moved inward to prevent awkward shadow lines – ARC recommendation.
25. One four inch caliper deciduous tree approved by the City planning department will be required to replace the boxelder tree being removed due to building two's location.
26. No less than one dozen assorted trees shall be added to the northern end for the property for screening purposes.
27. That the developer is required to work with staff to dedicate an adequate irrevocable access easement to follow the historic trail through the property from Prospector Drive to Wasatch Blvd.
28. That the building height in the development be limited to 30 feet as measured according to section 19.76.170 of the supplementary and qualifying regulations.
29. That the developer and builder are required to show proof of adequate insurance to address any possible damages to adjacent properties from construction activities.
30. A gate shall be required at the entrance to the development to prevent after hours access of unauthorized people and to prevent the parking lot from being used in a way after hours that is not consistent with the character of the adjacent neighborhood.

Engineering:

1. Include the State Permit Number (NOI) on the Erosion Control Plan.
2. Utilities shall be given a 10' easement with the utility centered within the easement. Parallel utilities shall have their own easements allowing 10' between each utility. Also, an easement shall be recorded to allow City access to the storm water treatment system.
3. ADA ramps shall be required along the entrance drive into the complex from Wasatch drive. Please call out details and provide them in the detail section of the plan set.
4. Ground or land drains shall be provided at the end of swales to conduct the storm drain water into the main storm drain system.
5. Storm drain lines that are conveying the offsite storm water from the hillside to the storm drain on Wasatch Boulevard shall be connected using a combo box. Design shall account for the potential energy created from the change in grade.
6. Call out location and specific height of the retaining walls within the final plan set.
7. Construct drainage swales along perimeter of slope and direct flow to a temporary sedimentation pond on the north side of the property.
8. Provide stationing in plan view that is legible (move it out of dark areas etc.)
9. Provide utility crossings in profile and add flexible expansion joints as required.
10. Update all geotechnical and geology data on the final certified site plan. Stamp final site plan by a licensed geologist, licensed geotechnical engineer and a licensed surveyor. The plan showing the location of the fault lines, building footprint/setbacks and retaining walls shall comply with the

- 1 National Map Accuracy Standards at a 1:20 scale.
2 11. Meet all requirements as outlined by City Geologists. .
3

4 **Geologist:**
5

- 6 1. Submit final stamped letters/reports for all of the previous work used in defining the fault hazards to
7 the City for review prior to final conditional use approval.
8 2. Submit the final fault setback map to the City for review to confirm the data previously reviewed by
9 the City prior to final approval. This final setback map should use the survey data from AMEC
10 (2004), Western Geologic (2006), and Western Geologic (2007) to locate trenches on the map and
11 allow for accurate delineation of fault setback areas. A statement that all trenches used to delineate
12 fault setback areas were surveyed by a licensed land surveyor should accompany the final fault
13 setback map. This fault setback map should be a full size survey-grade site plan signed and stamped
14 by both a licensed geologist and a licensed surveyor showing trench, fault, and proposed building
15 locations and should be tied to section monuments with appropriate bearings and distances. No
16 portions of proposed building footprints should be shown within any portion of the site designated on
17 the fault setback map as within a setback area.
18 3. That the slope stability data sheets and laboratory soil strengths data sheets associated with the GSH
19 report titled "Supplemental Discussions Slope Stability" and dated April 13, 2007 be provided to the
20 City to include in the report file prior to final conditional use approval.
21 4. The fault setback map shall include the design depths of footings for clarification purposes prior to
22 final conditional use approval.
23

24 **Fire Department:**
25

26 The fire official has reviewed the plans and has the following comments:
27

- 28 1. Provide a fire department approved turn-a-round at the north end of the property.
29

30 *The staff report shall include those changes and verbiage which would change the staff report*
31 *from suggestion to requirement and that the requirement for interior lighting to exterior*
32 *lighting as discussed in the work meeting be applicable. In addition, the additional condition*
33 *that was not published in the staff report but that was discussed previously regarding the*
34 *security of the parking lot during non-work hours be imposed. All changes are represented in*
35 *the above conditions.*
36

37 **Commissioner Rosevear seconded the motion.**
38

39 It was important to Commissioner Haymore that the motion include the preamble statements. If
40 the property was zoned R-1-8 and the Commission was asked to rezone it to RM he would not
41 support it under any circumstance. He would not be in favor of a zone change to RM for the
42 property and he thought it would be inappropriate based on many of the reasonings and public
43 policies for which the community chose to incorporate. Because the property was zoned RM, he
44 thought the developer with staff and the community had worked together to identify the
45 reasonably anticipated potential detrimental effects. Staff had also worked with the developer
46 and the community to impose reasonable mitigating conditions. He stated that the matter had
47 been exhaustively reviewed and he was impressed with the process and the input. While he
48 would not personally be in favor of a zone change, he thought the proposed project would be
49 very good because of the conditions placed on it.

1
2 Commissioner Frost stated that the Commission wanted the community's support for what was
3 being done in the City. She thought the issue was very conflicted. She believed the
4 Commission's responsibility was to the community first. She was concerned with the City's
5 hillsides and planned to work to secure them. She commended the community for the work they
6 had done. She had questions on the geology and was not comfortable with it. She did not feel
7 mitigated as a Planning Commissioner that the health, safety, and welfare of the community was
8 being met with the project.

9
10 Commissioner Ryser wished there could be this kind of community involvement on other issues.
11 She acknowledged that the issue had been a difficult one. She thought it was a good project but
12 not located in an ideal location. She did not feel good about the project but could not identify
13 any legal issues that would justify denial.

14
15 Commissioner Rosevear was comfortable with all of the recommendations received from the
16 professionals and supported staff's recommendation. In reading through the conditions, she
17 liked that the City had the right to re-review the project going forward. She thought the
18 Commission had done a good job of fulfilling their duty as described by the State Legislature.

19
20 (19:55:39) Commissioner Armstrong did not feel comfortable with the project. His major
21 concern was with the access onto Wasatch Boulevard. He realized that all of the legalities had
22 been complied with and he saw no justification to deny the project.

23
24 Commissioner Nicholl thought Commissioner Haymore's comments summed up his feelings on
25 the project adequately. Chair Bowen agreed and stated that many asked that the Commission
26 deny the request. He believed there was some sentiment that the Commission would like to do
27 that, but legally there was no basis for it. Alternatively, conditions were imposed in an attempt
28 to mitigate whatever adverse impact the development might have on the neighborhood. He
29 thought the Commission had done the best it could do. He appreciated the concerns and input
30 from the citizens. The Commission tried to address those concerns and work with everyone in
31 the process.

32
33 *Vote on motion: Geoff Armstrong-Aye, JoAnn Frost-Nay, Doug Haymore-Aye, Gordon*
34 *Nicholl-Aye, Amy Rosevear-Aye, Sue Ryser-Nay, J. Thomas Bowen-Aye. The motion passed.*
35 *Alternate Jerri Harwell did not participate in the vote.*

36
37 Commissioner Haymore was excused from the remainder of the meeting.

38
39 **3. Public Hearing – Amendment to Title 12.20.060(j) Flag Lots Permitted –**
40 **Wentworth Development.**

41
42 (20:04:50) Associate Planner, Glenn Symes, reported that an application was received for a text
43 amendment to the flag lot ordinance. The request initially was a change to the maximum stem
44 length from 100 to 200 feet. Staff felt that was excessive and there would be a great deal
45 involved in such a change. Staff spoke with the applicants and decided that 150 feet would be a
46 better alternative. The ordinance was reviewed to make the changes necessary to increase the

1 stem length. The proposed changes were provided to the Commission Members the previous
2 Tuesday. Mr. Symes reported that the amendment was initiated by an applicant.

3
4 Chair Bowen opened the public hearing.

5
6 Developer Nate Fotheringham gave his address as 10714 South Jordan Gateway. He expressed
7 appreciation to staff for their help. They had purchased a piece of property containing a
8 dilapidated structure and were trying to figure out how it could be developed and improved. In
9 the flag lot ordinance there was a 100-foot restriction on the driveway portion of the lot. One of
10 the issues was that a minimum 8,000 square foot lot is required. The minimum lot width was 65
11 feet. If the driveway is required to be 100 feet with a width of 65 feet, there would only be 6,500
12 square feet remaining, which would not meet the code minimum for lot size. The second
13 challenge was that it provides very difficult building lots where areas cannot be improved with
14 homes that are livable. They looked at surrounding municipalities to become familiar with
15 maximum lengths. Mr. Fotheringham asked for the Commission's consideration in making the
16 proposed change.

17
18 There were no further public comments. The public hearing was closed.

19
20 In response to a question raised by Commissioner Armstrong, Mr. Black explained that the 100
21 feet and the 12-foot width came from discussions with the Fire Department. Initially staff was
22 satisfied with the 12-foot width as long as it was only 100 feet long. That would allow
23 emergency vehicles to park on the public street. Any driveway longer than 100 feet would
24 require an apparatus access down the driveway. That was the reasoning behind the wider width.
25 The fire turnaround would have to be installed at 150 feet.

26
27 The requirements of neighboring cities were reviewed. Mr. Symes explained that at 100 feet the
28 stem would only need to be 17 feet wide rather than the full 20 plus the landscaping. Flag lot
29 issues were discussed.

30
31 (20:16:45) Chair Bowen suggested the matter be continued to allow staff to look at some of the
32 issues discussed to see if there was a way to resolve the situation. He was unsure whether it was
33 proper for the Commission to make a change just to accommodate a particular property owner.
34 Mr. Symes remarked that the applicants paid a \$1,200 fee to request the change.

35
36 Commissioner Nicholl stated that since he received the document the previous day he had been
37 in communication with Mr. Symes. He thought the request warranted more in-depth study.

38
39 *(20:17:53) Commissioner Nicholl moved to table the matter until the February 6 meeting.*
40 *Commissioner Frost seconded the motion.*

41
42 Mr. Fotheringham stated that they included the 200 feet in the application because they knew the
43 code change would affect the entire City. He did not think the modification should be directed at
44 their one lone development.

1 *Vote on motion: Geoff Armstrong-Aye, JoAnn Frost-Aye, Gordon Nicholl-Aye, Amy*
2 *Rosevear-Nay, Sue Ryser-Aye, J. Thomas Bowen-Aye, Jerri Harwell – Aye. The motion*
3 *passed. Commissioner Haymore was not present for the vote.*

4
5 **4. Public Hearing – Conditional Use Permit – Hyeongoo Kim.**

6
7 (20:20:05) Mr. Symes presented the staff report and stated that the applicant was requesting a
8 conditional use permit at 1525 East Fort Union Boulevard. The request was for an acupuncture
9 clinic, which fell under “clinic for health professionals” in the conditional uses in the
10 neighborhood commercial zone. The matter was noticed for a public hearing, but due to
11 scheduling conflicts, it still required approval from the Architectural Review Commission. Staff
12 felt the application met all of the requirements of the neighborhood commercial zone, the
13 conditional use ordinance, and the off-street parking ordinance. He proposed the Commission
14 defer approval to the Planning Director subject to approval of the Architectural Review
15 Commission.

16
17 Chair Bowen opened the public hearing.

18
19 (20:22:30) Bud Zirker gave his address as 6893 Cormorant Circle and remarked that the
20 proposed change would be to a property that is approximately 50 feet from their cul-de-sac
21 entrance. He wanted to know more about the parking issues. He had looked at the property and
22 unless it is completely raised and a new property built at the rear of the site, there was no way to
23 get parking either in front of or behind the present building. He stated that they may be able to
24 park four cars on the front off-street, but they could not get to the back of the property because
25 there is not enough room on either side. Mr. Zirker was present representing the 10 families on
26 Cormorant Circle. They did not want a business developed on the site that will impact their
27 circle. He envisioned cars parked on both sides of the street. The residents were opposed to any
28 action that would restrict parking on the site.

29
30 Mr. Symes acknowledged that parking was an issue on the site. As proposed, the site plan met
31 the off-street parking ordinance requirements. There was limited space which would limit the
32 usable space in the building. Under the adopted parking standards, 2 ½ parking stalls per 1,000
33 square feet were required.

34
35 Chair Bowen thought one of the conditions ought to be no parking on Cormorant Circle.
36 Mr. Symes agreed and recommended that the applicant explore a cross-access agreement or
37 shared parking agreement with the business next door. He explained that it would not be a
38 problem to add a condition prohibiting parking on Cormorant Circle but that it would be difficult
39 to require the applicants to obtain a cross-parking easement for more parking than what is needed
40 when they have already met the minimum. He explained that the applicants had more square
41 footage in the building than they would be using.

42
43 (20:28:30) *Commissioner Rosevear moved to delegate approval of the conditional use permit to*
44 *staff whereas the applicants have met all of the standards to receive the permit. Approval was*
45 *subject to endorsement by the Architectural Review Committee and the restriction on off-street*
46 *parking on Cormorant Circle. Commissioner Armstrong seconded the motion.*

1
2 Mr. Black informed concerned citizens that Kevin Smith at the City Offices could be contacted
3 about parking concerns. He commented that signage was not out of the question. Parking
4 requirements were discussed. Mr. Black suggested the Commission require three parking stalls
5 per 1,000 square feet plus three additional stalls for employees.
6

7 *Commissioner Rosevear withdrew her motion. Commissioner Armstrong withdrew his*
8 *second.*
9

10 (20:35:40) *Commissioner Rosevear moved to direct staff to provide the Commission with an*
11 *administrative interpretation of the minimum parking standard for the development and that a*
12 *decision be postponed on the application until a recommendation is received from the*
13 *Architectural Review Committee. Commissioner Frost seconded the motion. Vote on motion:*
14 *Geoff Armstrong-Aye, JoAnn Frost-Aye, Gordon Nicholl-Aye, Amy Rosevear-Aye, Sue Ryser-*
15 *Aye, J. Thomas Bowen-Aye, Jerri Harwell-Aye. The motion passed. Commissioner Haymore*
16 *was not present for the vote.*
17

18 **5. Discussion Item – Hand Out – Making Effective Public Comments: A Citizen's**
19 **Guide to the Public Process Regarding Planning Applications.**
20

21 Chair Bowen remarked that he edited the document and gave his suggestions to staff.
22 Commissioner Frost made other changes she agreed to email to Mr. Black. She thought some of
23 the language was technically correct but when considering that many of the people reading it
24 don't have the background, she thought it needed to be more layman-friendly.
25

26 Chair Bowen encouraged the Commission Members to submit recommended changes to
27 Mr. Black as soon as possible in an effort to get a final approval the following week.
28

29 **6. Approval of Minutes – December 5, 2007.**
30

31 (20:38:00) Chair Bowen had reviewed the minutes of October 3 and referenced page 8 where a
32 comment attributed to him was actually made by Don Machen.
33

34 Recommended modifications were made to the December 5 meeting.
35

36 (20:40:11) *Commissioner _____ moved to modify the October 3, 2007, minutes.*
37 *Commissioner _____ seconded the motion. Vote on motion: Geoff Armstrong-Aye,*
38 *JoAnn Frost-Aye, Gordon Nicholl-Aye, Amy Rosevear-Aye, Sue Ryser-Aye, J. Thomas*
39 *Bowen-Aye, Jerri Harwell-Aye. The motion passed. Commissioner Haymore was not present*
40 *for the vote.*
41

42 *Commissioner _____ moved to approve the December 5, 2007, minutes, as amended.*
43 *Commissioner _____ seconded the motion. Vote on motion: Geoff Armstrong-Aye, JoAnn*
44 *Frost-Aye, Gordon Nicholl-Aye, Amy Rosevear-Aye, Sue Ryser-Aye, J. Thomas Bowen-Aye,*
45 *Jerri Harwell-Aye. The motion passed. Commissioner Haymore was not present for the vote.*
46

1 Commissioner Armstrong stated that he was misquoted in the October 17 minutes.

2
3 (20:41:24) *Commissioner _____ moved to approve the October 17 minutes as amended*
4 *by Commissioner Armstrong. Commissioner _____ seconded the motion. Vote on motion:*
5 *Geoff Armstrong-Aye, JoAnn Frost-Aye, Gordon Nicholl-Aye, Amy Rosevear-Aye, Sue Ryser-*
6 *Aye, J. Thomas Bowen-Aye, Jerri Harwell-Aye. The motion passed. Commissioner Haymore*
7 *was not present for the vote.*

8
9 **7. Action Item – 2008 Meeting Calendar.**

10
11 (20:40:29) Chair Bowen remarked that he made a mistake on the meeting calendar. He
12 explained that when the Commission approved the calendar they deleted the November 19
13 meeting scheduled the third Thursday in November. It was eliminated in 2007 because the third
14 Wednesday was the day before Thanksgiving. In November 2008, they did not have that
15 problem because of Leap Year. As a result, they were one week and one day away from
16 Thanksgiving. He suggested a meeting be held on November 19. Chair Bowen asked about the
17 scheduled December 17 meeting and asked if there should be two meetings in December. It was
18 decided that there would be one meeting in December.

19
20 **8. Planning Director's Report.**

21
22 There was no Planning Director's Report.

23
24 **9. Adjournment.**

25
26 *Commissioner _____ moved to adjourn. Commissioner _____ seconded the*
27 *motion. Vote on motion: Geoff Armstrong-Aye, JoAnn Frost-Aye, Gordon Nicholl-Aye, Amy*
28 *Rosevear-Aye, Sue Ryser-Aye, J. Thomas Bowen-Aye, Jerri Harwell-Aye. The motion passed.*
29 *Commissioner Haymore was not present for the vote.*

30
31 The Planning Commission Meeting adjourned at 8:42 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, January 9, 2008.*

3
4
5
6 
7
8

9 Teri Forbes
10 T Forbes Group, Inc.
11 Minutes Secretary
12

13
14 Minutes approved:

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, January 16, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**

9
10 **ATTENDANCE**

11
12 **Planning Commission Members:**

City Staff:

13
14 J. Thomas Bowen, Chairman
15 Geoff Armstrong
16 JoAnn Frost
17 Jerri Harwell, Alternate
18 Doug Haymore
19 Jim Keane
20 Gordon Nicholl
21 Amy Rosevear, Alternate

Michael Black, Planning Director
Glenn Symes, Associate Planner
Sherry McConkey, Planning Coordinator

22
23 **REGULAR MEETING**

24
25 Chairman J. Thomas Bowen called the meeting to order at 7:03 p.m. Procedural issues were
26 reviewed.

27
28 **1. Public Comment.**

29
30 There were no public comments.

31
32 **2. Action Item – Amended Conditional Use – Hillside Plaza.**

33
34 (19:01:15) Associate Planner, Glenn Symes, presented the staff report and stated that the request
35 was for a remodel to the Hillside Plaza. Tonight the review would be to the rooftop screening
36 requirements to the southwest pad located at 2343 East Fort Union Boulevard. He provided the
37 Commission Members with the portion of the Neighborhood Commercial Zone dealing with the
38 requirement. The applicants proposed screening measures. Mr. Symes' understanding was that
39 the Planning Commission would like staff to work to create a better color.

40
41 Winter Delamare of Winter Delamare Associates, introduced himself as the architect for Duncan
42 Properties who purchased the most easterly building. The location of the building was identified
43 on the site map. Mr. Delamare remarked that he had done similar projects with Duncan
44 Properties in the past. He stated that the zoning ordinance required screening of the rooftop
45 units. Four of the existing rooftop units would be eliminated and seven additional units would be
46 added. He explained that screening the roof per the code did not solve the issue. He did not

1 want to create more penetration around the units. He showed what he thought was a reasonable
2 solution but in looking at how the neighboring houses look over it, it did not screen the units.
3 The only way to do it properly would be to build a wall up high enough, which was
4 economically infeasible for what he characterized as secondary properties in the market.

5
6 (19:06:13) Chair Bowen commented that staff's recommendation was to approve the submittal.
7 The only question had to do with the color of the screening material. It was suggested that that
8 be left to staff to work out with the applicant rather than have the Commission arbitrarily pick a
9 color tonight. Mr. Delamare was comfortable with that. His preference was to eliminate the
10 screens, which could not happen.

11
12 In response to a question raised by Commissioner Armstrong, Mr. Delamare commented that the
13 screens would be approximately five-feet high and far enough around to allow workmen to get
14 inside of them and get in and around the machinery. The screening would be done with one-foot
15 kept above the roof. He stated that the screening would be three-sided.

16
17 (19:07:12) Chair Bowen opened the public hearing. There were no public comments. The
18 public hearing was closed.

19
20 (19:07:21) *Commissioner Frost moved to approve agenda item number two, regarding the roof*
21 *screening on the Hillside Plaza property with staff approving the final color with the*
22 *applicant. Commissioner Harwell seconded the motion. Vote on motion: Tom Bowen-Aye,*
23 *Gordon Nicholl-Aye, Geoff Armstrong-Aye, Doug Haymore-Aye, Jim Keane-Aye, JoAnn*
24 *Frost-Aye, Jerri Harwell-Aye, Amy Rosevear-Aye. The motion passed unanimously.*

25
26 **3. Consent Calendar – Conditional Use Permit – Short Term Rentals.**

27 **The Planning Commission received public comment and took action on a request**
28 **for conditional use permits for short term rentals located at the addresses listed**
29 **below:**

- 30
31 • **3550 East Wasatch Grove Lane**
32 • **3555 East Rustic Springs Lane**
33 • **3567 East Wasatch Hills Lane**
34 • **3569 East Lone Brook Lane**
35 • **3580 East Lone Brook Lane**
36 • **3569 East Rustic Springs Lane**
37 • **3570 East Rustic Springs Lane**
38 • **8141 South Clover Springs Lane**
39 • **8152 South Clover Springs Lane**
40 • **8252 South Wasatch Grove Lane**
41 • **8268 South Wasatch Grove Lane**
42 • **8272 South Wasatch Grove Lane**
43

44 (19:08:35) Planning Coordinator, Sherry McConkey, presented the staff report and reported that
45 what was presented were 12 short-term rental applications. Each unit was located in The Oaks at
46 Wasatch and all had gone through an application process that included a background check of

1 the property to make sure there were no outstanding violations. There had been no noise
2 complaints, loud parties, or calls to the sheriff's office. Bedrooms and beds had been inspected
3 in each unit as well as smoke detectors, fire extinguishers, and carbon monoxide monitors. Five
4 of the units contained hot tubs that were verified to have covers. All units were found to be in
5 compliance with the ordinance. Staff recommended approval.

6
7 Chair Bowen invited public comment.

8
9 Staff confirmed that all of the units met the required setbacks.

10
11 There were no further public comments. The public comment period was closed.

12
13 (19:10:37) In response to a question raised, Ms. McConkey reported that she received only one
14 phone call on the matter that had to do with the inspection process. Another gentleman came in
15 to the office and expressed concern about the number of short-term rentals at The Oaks.

16
17 Noticing issues were discussed. Ms. McConkey stated that the applicants noticed their neighbors
18 and the City noticed 300 feet around the properties.

19
20 (19:11:34) *Commissioner Frost moved to approve item number three on the consent calendar*
21 *subject to the following staff condition:*

- 22
23 1. *Each approved short-term rental property is required to maintain compliance with all*
24 *sections and sub-sections of Chapter 19.89 of the Cottonwood Heights Municipal Code*
25 *and all other legal requirements and all other applicable laws.*

26
27 *Commissioner Nicholl seconded the motion. Vote on motion: Tom Bowen-Aye, Gordon*
28 *Nicholl-Aye, Geoff Armstrong-Aye, Doug Haymore-Aye, Jim Keane-Aye, JoAnn Frost-Aye,*
29 *Amy Rosevear-Aye. The motion passed unanimously.*

- 30
31 4. **Action Item – Handout – Making Effective Public Comments: A Citizen's Guide to**
32 **the Public Process.**

33
34 (19:12:30) Planning Director, Michael Black, asked that the Commission Members make
35 revisions to the draft document and submit them no later than January 25 in order for him to
36 make changes prior to the next meeting scheduled for February 6.

37
38 Chair Bowen suggested the matter be put on the next agenda for review only. It would then be
39 set for a final decision on February 20.

- 40
41 5. **Action Item – Election of the 2008 Planning Commission Chairman and Vice**
42 **Chairman.**

43
44 (19:15:53) Chair Bowen reported that his term was set to expire and a new Chairman and Vice
45 Chairman needed to be appointed.

1 *Chair Bowen nominated Gordon Nicholl to serve as Chairman. Commissioner _____*
2 *seconded the nomination.*

3
4 There were no other nominations for Chairman.

5
6 *Vote on nomination: Tom Bowen-Aye, Gordon Nicholl-Aye, Geoff Armstrong-Aye, Doug*
7 *Haymore-Aye, Jim Keane-Aye, JoAnn Frost-Aye, Amy Rosevear-Aye. The motion passed*
8 *unanimously.*

9
10 Gordon Nicholl agreed to assume the Chair at the next meeting.

11
12 *Commissioner Keane nominated Doug Haymore to serve as Vice Chairman. Commissioner*
13 *Nicholl seconded the nomination.*

14
15 Commissioner Haymore appreciated the nomination but out of a sense of obligation he wanted to
16 understand the duties involved before accepting. Chair Bowen stated that the Vice Chairman's
17 duties were the same as the Vice President and briefly described the duties. Commissioner
18 Haymore agreed to serve.

19
20 There were no further nominations.

21
22 *Vote on nomination: Tom Bowen-Aye, Gordon Nicholl-Aye, Geoff Armstrong-Aye, Doug*
23 *Haymore-Aye, Jim Keane-Aye, JoAnn Frost-Aye, Amy Rosevear-Aye. The motion passed*
24 *unanimously.*

25
26 **6. Planning Director's Report.**

27
28 (19:18:21) Mr. Black reported that staff was still working on the City Center Master Plan. The
29 City Council was set to review it next week after which it would be brought back to the Planning
30 Commission as an informal agenda item.

31
32 Mr. Symes commented that at the last meeting there was a discussion about the flag lot
33 ordinance. It would be discussed again at the next meeting. He asked if there was anything in
34 particular the Commission wanted him to explore. Commissioner Armstrong thought it might be
35 a good idea to require flag lots be a minimum of one-half acre in size. He asked that staff give
36 some thought to that. Chair Bowen stated that there was some concern with flag lots and the
37 desire to not inundate the City with small subdivisions through the flag lot ordinance.

38
39 Chair Bowen commented that there was a large truck in the parking lot of the new soon to be
40 health spa with a large sign on it. It was an old rental van that was backed up to 2300 East.
41 There was no question in Commissioner Nicholl's mind that it violated the City's sign ordinance.
42 He asked that the Code Enforcement Officer look at it. Mr. Black agreed to pass the concern
43 along but was unsure anything would happen right away. He stated that there were a lot of sign
44 violations in the City currently and there had been some discussion as to whether the sign
45 ordinance was too restrictive.

1 Commissioner Frost remarked on the old Health Rider Building and stated that the ground had
2 been turned into a parking lot. Mr. Black stated that the owners had met all of the storm water
3 requirements and the property was indeed being used as a temporary parking lot. The owners
4 planned to begin construction on the parking structure for the fifth building shortly. Upon
5 completion, the area would be completely restored.

6
7 Commissioner Keane referred to the "Mafia House" and stated that at the time it was denied
8 there were bulldozers on the property. He asked what was taking place currently on the site.
9 Mr. Black responded that the property was being remodeled and that everything taking place on
10 the site was in compliance with the RR Zone. Although it appeared that they were doing a
11 commercial renovation, they were not, and the same could be done anywhere in the Residential
12 Zone. He noted that the matter was on the agenda the following week with the City Council.
13 Chair Bowen stated that the City Council heard the matter the prior week, however, because of
14 noticing requirements no decision was made. It was scheduled for a decision before the City
15 Council at the next meeting.


16
17 (19:23:50) Mr. Black stated that the delay was attributed to a throw back to pre-LUDMA. He
18 explained that Utah Code requires the City Council to hold a public hearing on any General Plan
19 amendment. Staff would be recommending a change very shortly.

20
21 **7. Adjournment.**

22
23 (19:24:15) *Commissioner Harwell moved to adjourn. Commissioner Armstrong seconded the*
24 *motion. Vote on motion: Tom Bowen-Aye, Gordon Nicholl-Aye, Geoff Armstrong-Aye, Doug*
25 *Haymore-Aye, Jim Keane-Aye, JoAnn Frost-Aye, Amy Rosevear-Aye. The motion passed*
26 *unanimously.*

27
28 The Planning Commission Meeting adjourned at 7:25 p.m.

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Teri Forbes
T Forbes Group
Minutes Secretary
Minutes approved: